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09/865,188	05/24/2001	Jeremy Alan Bruck	1stAg-493	1902

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EXAMINER

WASYLCHAK, STEVEN R

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/865,188

Applicant(s)

JEREMY ALLEN BLUCK

Examiner

Steven R. Wasylchak

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) 1 and 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. Claims 1 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The terms "if necessary,..." appear to be indefinite as the necessary conditions are not specifically described to help in distinguishing claims 1 and 8 from the similar claim 18.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lange (US 6,321,212) and official notice.

#### Claims:

1. Lange discloses method to transfer information among or between parties for a commodity contract, which is comprised of the following:  
providing and at least one adapter at a remote site;/abstract; fig 1(all). However, Lange does not explicitly disclose at least one application service provider (ASP) control site.

Official notice is taken that this feature of at least one application service provider (ASP) control site old and well known in the e-commerce art as fig 2 (210) shows an application server. Application service providers use application servers. It would have

been obvious to one of ordinary skill in the art at the time of applicant's invention to implement this feature at least one application service provider (ASP) control site for the advantage of efficiency and cost saving by contracting out features the company does have expertise in or is not cost effective.

-inputting information (data) about a transaction involving  
at least one party to the transaction to the ASP control site/fig 2 (200,160,180,170,190)  
-Lange discloses that if necessary, electronically communicating through the adapter to the at least one party;/fig 2 (210, 200, 180,190). However, Lange does not explicitly disclose communicating from the ASP control site.

Official notice is taken that this feature of communicating from the ASP control site old and well known in the e-commerce art as fig 2 (210,200,160,190) shows an application server an spokes of the classic star topology. Application service providers use application servers. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement this feature of communicating from the ASP control site for the advantage of efficiency and cost saving by contracting out features the company does have expertise in or is not cost effective.

-Lange discloses that if necessary, receiving instructions or data through the adapter from the at least one party /fig 2 (210,200,160,190 ). However, Lange does not explicitly disclose the ASP control site.

Official notice is taken that this feature of the ASP control site old and well known in the e-commerce art as fig 2 (210,200,160,190) shows an application server an

spokes of the star topology. Application service providers use application servers. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement this feature of the ASP control site for the advantage of efficiency and cost saving by contracting out features the company does have expertise in or is not cost effective.

-Lang discloses processing the data and/or instructions./ fig 4(261-267). However, Lang does not explicitly disclose the ASP control site. Official notice is taken that this feature of the ASP control site is old and well known in the e-commerce art as fig 2 (210,200,160,190) shows an application server and spokes of the star topology.

Application service providers use application servers. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement this feature of the ASP control site for the advantage of efficiency and cost saving by contracting out features the company does have expertise in or is not cost effective.

2. The method of claim 1, wherein information is transmitted from a commodity exchange./col 2, L 34-65

3. The method of claim 1, wherein electronic communication through a global computer communications system is employed./ fig 1(140)

4. The method of claim 1, wherein business-to-business information is exchanged./fig 2 (261, 160,190); fig 4(all); fig 9A,B

5. The method of claim 4, which employs direct business-to-business workflow./ fig 9A,B; col 2, L 34-65

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6. The method of claim 5, wherein the direct business-to-business workflow employs adapter-to-adapter communication./fig 2 (261,240,270,210,160)

7. The method of claim 4, wherein electronic communication through a global computer communications system is employed./fig1 (140)

8. A method to transfer information among or between parties for an agricultural commodity contract, which is comprised of the following:

- providing at least one application service provider (ASP) control site, and at least one adapter at a remote site;

- inputting information (data) about a transaction involving at least one party to the transaction to the ASP control site.

- if necessary, electronically communicating from the ASP control site and through the adapter to the at least one party;

- if necessary, receiving instructions or data at the ASP control site through the adapter from the at least one party; and

- processing the data and/or instructions at the ASP control site./refer ALL the above to reasoning under claim 1. Since the preamble states "agricultural" without the term being used as a subsequent limitation in the body of the claim a preamble requires, the term agriculture is not an operative term subject to traversal by prior art.

9. The method of claim 8, wherein information is transmitted from an agricultural commodity exchange./ col 2, L 34-65

10. The method of claim 9, wherein electronic communication

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through a global computer communications system is employed./ refer to claim 7

11. The method of claim 8, wherein business-to-business information is exchanged./  
refer to claim 5

12. The method of claim 9, wherein business-to-business information is exchanged./  
refer to claim 5

13. The method of claim wherein business-to-business  
information is exchanged employing direct business-to-business workflow./ refer to  
claim 5

14. The method of claim 13, wherein the direct business-to-business workflow employs  
adapter-to-adapter communication./ fig 1(all) ; refer to claim 5

15. The method of claim 8, wherein electronic communication  
through a global computer communications system is employed./ fig1 (140)

16. The method of claim 12, wherein electronic communication  
through a global computer communications system is employed./ fig1 (140)

17. The method of claim 14, wherein electronic communication  
through a global computer communications system is employed./ fig1 (140)

18. A method to transfer information among or between  
parties for a commodity contract, which method comprises:  
providing at least one application service provider (ASP)  
control site, and at least one adapter at a remote site;  
inputting information about a transaction involving at least  
one party to the transaction to the ASP control site;

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electronically communicating from the ASP control site and through the adapter to the at least one party; receiving instructions or data at the ASP control site through the adapter from the at least one party; and processing the instructions at the ASP control site./ refer ALL the above to reasoning under claim 8 and examination is subject the 112 second claim objection above with respect to "if necessary,....".

19. The method of claim 18, wherein electronic communication through a global computer communications system is employed./ fig1 (140)

20. The method of claim 19, wherein the commodity is agricultural, and the contract is obtained through an exchange./ col 2, L 34-65: Chicago Board trades in contracts for agricultural products

This action is **NON-FINAL**. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven R. Wasylchak whose telephone number is (703) 308-2848. The examiner can normally be reached on Monday-Thursday from 7:00 a.m. to 6:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1065. The fax number for Art Unit 3624 is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)

308-1113.

Steven Wasylchak

7/24/04



VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
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